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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,405	10/13/1999	JEFFRY JOVAN PHILYAW	PHLY-24768	7390
25883	7590	02/02/2004	EXAMINER	
HOWISON & ARNOTT, L.L.P. P.O. BOX 741715 DALLAS, TX 75374-1715			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	15
DATE MAILED: 02/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/417,405

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markowitz et al., US Pat. No. 6,311,185, in view of Parsons, Jr. et al., US Pat. No. 6,085,247.

3. Regarding claims 1 and 8, Markowitz teaches the invention substantially as claimed. Markowitz teaches an architecture and method of presenting banner advertising of a web page to a user, comprising the steps of:

providing a server node that is disposed on a network that interfaces with a user node disposed on the network to allow communication between the server node and the user node (Markowitz, col. 2, lines 18-36);

transmitting to the user node from the server node a web page...(Markowitz, col. 1, line 13 – col. 2, line 36).

However, Markowitz does not explicitly teach obtaining from the user node current video resolution settings of the user node by the server node over the network and without user intervention in response to the user accessing the server node and at the time of the user gaining

Art Unit: 2141

access to the server node, which obtained video resolution settings represent the user node resolution settings at the time of access to the server node by the user; and after determining the video resolution settings of the user node by the server node in direct response to receiving a request for access of information therefrom, transmitting to the user node a web page having maximized viewable banner advertising content which corresponds to the determined video resolution setting of the user node at the time of transmission.

In the same field of endeavor, Parsons teaches a server which obtains video resolution settings of the user to transmit to the user documents which comply with the user's capabilities (Parsons, col. 1, line 15 – col. 3, line 51 and col. 9, line 39 – col. 10, line 29 and col. 10, line 29 – col. 11, line 48). Parson teaches teach obtaining from the user node current video resolution settings of the user node by the server node over the network and without user intervention in response to the user accessing the server node and at the time of the user gaining access to the server node, which obtained video resolution settings represent the user node resolution settings at the time of access to the server node by the user; and after determining the video resolution settings of the user node by the server node in direct response to receiving a request for access of information therefrom, transmitting to the user node a web page having maximized viewable content which corresponds to the determined video resolution setting of the user node at the time of transmission (Upon request to establish a session connection, the server obtains the user video resolution settings and transmits viewable content formatted for the specified user resolution setting; See Parsons, col. 1, line 15 – col. 3, line 51 and col. 9, line 39 – col. 10, line 29 and col. 10, line 29 – col. 11, line 48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated obtaining user video resolution settings at the time of transmission, as taught by Parsons, into the advertisement display system of Markowitz for the purpose of increasing efficiency by customizing web content to specific user characteristics.

4. Regarding claims 2 and 9, Markowitz-Parsons teach obtaining the video resolution settings from an operating system of a user computer of the user node (Parsons, col. 9, line 39 – col. 10, line 29 and col. 10, line 29 – col. 11, line 48).

5. Regarding claims 3 and 10, Markowitz-Parsons teach the system wherein during the step of obtaining, the server node queries the user node for the video resolution settings via a resolution request signal (Parsons, col. 9, line 39 – col. 10, line 29 and col. 10, line 29 – col. 11, line 48).

6. Regarding claims 4 and 11, Markowitz-Parsons teach the system wherein during the step of transmitting, the server node transmits the web page having one or more banner objects which have been increased in size in relationship to a given video resolution, and one or more of said banner objects which have not been increased in size to that given video resolution (Markowitz, col. 2, line 65 – col. 4, line 33).

7. Regarding claims 5 and 12, Markowitz-Parsons teach the system wherein during the step of transmitting, the server node transmits the web page having one or more banner objects which

Art Unit: 2141

have been increased in size in relationship to a given video resolution and without adding spacing material (Markowitz, col. 2, line 65 – col. 4, line 33).

8. Regarding claims 6 and 13, Markowitz-Parsons teach the system wherein the server node has one or more predefined web pages for corresponding to one or more predetermined video resolutions, and select ones of the one or more of the predefined web pages are transmitted to the user node during the step of transmitting according to the video resolution of the user node (Markowitz, col. 2, line 65 – col. 4, line 33).

9. Regarding claims 7 and 14, Markowitz-Parsons teach the system wherein a geometry management algorithm automatically structures layout of the web page using one or more banner objects which are scaled in size and altered in geometry such that web page real estate coverage is maximized without adding spacing material (Markowitz, col. 2, line 65 – col. 4, line 33).

10. Regarding claims 15, 16, 17 and 18, Markowitz-Parsons teach the system wherein the user node includes a display, the step of transmitting further comprises maximizing the viewable banner advertising content without changing pixel dimensions of other viewable objects on the display (Advertisements may be entered without altering other objects; Markowitz, col. 2, line 65 – col. 4, line 33).

Applicant's arguments filed October 20, 2003 (paper no. 14) have been fully considered but are moot in view of the new grounds of rejection. The Applicant argued in substance that the

Art Unit: 2141

prior art of record failed to teach determining the video resolution settings of the user node by the server node in direct response to receiving a request for access of information, determined at the time of transmission. The new grounds of rejection teaches this feature.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2141

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Paul H Kang  
Examiner  
Art Unit 2141